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6 Attorneys for Defendants County of  
7 Siskiyou; Jeremiah LaRue and Jesus  
Fernandez, in their official capacities  
8 as members of the Siskiyou County  
Sheriff's Department and in their individual  
9 capacities; Brandon Criss, Ed Valenzuela,  
Michael N. Kobseff, Nancy Ogren, and  
Ray A. Haupt, in their official capacities  
10 as members of the Siskiyou County Board  
of Supervisors and in their individual  
11 capacities; Edward Kiernan, in his official  
capacity as County Counsel for Siskiyou  
12 County and in his individual capacity;  
and DOES 1-100

13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
15 **SACRAMENTO DIVISION**

16 Dilevon Lo, Jerry Vang, Nathan Thao, Mao  
17 Thao, Pao Lee, Antonio Lee, Koua Lee, Nhia  
Thai Vang, Zeng Lee, Der Lee and Khue Cha,

18 Plaintiffs,

19 vs.

20 County of Siskiyou; Jeremiah LaRue and  
21 Jesus Fernandez, in their official capacities as  
members of the Siskiyou County Sheriff's  
22 Department and in their individual capacities;  
and Brandon Criss, Ed Valenzuela, Michael N.  
23 Kobseff, Nancy Ogren, and Ray A. Haupt, in  
their official capacities as members of the  
24 Siskiyou County Board of Supervisors and in  
their individual capacities; Edward Kiernan, in  
25 his official capacity as County Counsel for  
Siskiyou County and in his individual  
capacity; and DOES 1-100,

26 Defendants.

27 Case No. 2:21-cv-00999-KJM-DMC

28 **AFFIDAVIT OF RAY A. HAUPT IN  
SUPPORT OF DEFENDANTS' MOTION  
FOR DISSOLUTION OF THE COURT'S  
ORDER GRANTING A PARTIAL  
PRELIMINARY INJUNCTION**

Complaint Filed: June 4, 2021  
First Amended Complaint Filed: July 15, 2021

**Date: March 25, 2022  
Time: 10:00 AM  
Courtroom: 3, 15<sup>th</sup> Floor**

Judge: Hon. Kimberly J. Mueller

**[FEES EXEMPT PURSUANT TO  
GOVERNMENT CODE SECTION 6103]**

1 I, Ray A. Haupt, do hereby declare:

2 1. I previously provided a declaration dated August 13, 2021 in Opposition to  
3 Plaintiffs' Application for a Temporary Restraining Order and Preliminary Injunction.

4 2. Illegal cannabis cultivation in Siskiyou County has been an enormous problem for  
5 the County's citizens, elected officials and employees since the rapid expansion of cannabis grow  
6 sites began in various remote portions of the County in approximately 2015. In addition to the  
7 increased criminal activity associated with illegal cannabis cultivation, these criminal endeavors  
8 have negatively impacted the County in multiple ways. For instance, during the winter of 2016,  
9 there were three tragic carbon monoxide deaths resulting from the operation of improperly vented  
10 cooking and/or heating appliances in encampments associated with illegal cannabis grow sites.  
11 During 2016, the Siskiyou Interagency Marijuana Investigation Team (SIMIT) served 113 search  
12 warrants, seizing 11,470 cannabis plants (worth \$240.8 million retail), 17,410 pounds of processed  
13 marijuana valued at \$121,870,000 retail value, 9 pounds of concentrated cannabis, 27 firearms and  
14 initiated 24 arrests. By the time the County Board of Supervisors met on September 5, 2017, SIMIT  
15 had already served 612 search warrants on private property and seized 13,284 cannabis plants,  
16 1,752 pounds of processed product and 20 firearms. As a result of a continued and ever-expanding  
17 proliferation of illegal cannabis cultivation sites on private property where hundreds of people were  
18 living in unpermitted, illegally-constructed dwellings, the Board proclaimed a local emergency.  
19 Among the concerns giving rise to the September 5, 2017 resolution was that an estimated three  
20 million gallons of water was being expended daily by illicit cannabis producers which significantly  
21 depleted both groundwater and surface water resources impacting legal uses of this water including  
22 lawful agriculture, recreation and private and environmental use by the citizens of the County.  
23 Attached hereto as **Exhibit A** is a true and correct copy of the resolution proclaiming a local  
24 emergency, dated September 5, 2017.

25 3. Recent changes to the trucking ordinance now limits its application to agricultural  
26 water and excludes potable water. Additionally, the ordinance applicable to water trucks applies  
27 county wide as opposed to being limited in its enforcement to those areas surrounding Mount  
28 Shasta Vista.

1           4. The ordinances are necessary to further legitimate County interests, including water  
2 conservation, public safety and the deterrence of criminal activities.

3       5.     County Officials have received complaints from some land owners that their wells  
4     were being significantly impacted due to adjacent land owners pumping water into water trucks for  
5     off-parcel use by cannabis cultivators.

6        6.        The focus and purpose of the ordinances in question was always the protection of  
7 groundwater resources from exploitation by cannabis cultivators. There was never any intent to  
8 target potable water or trucks conveying potable water.

9       7. During the briefing schedule leading up to the Court's Order, but prior to its  
10 issuance, the Siskiyou County Board of Supervisors through its standard process including public  
11 notification and opportunity for public comment, voted to make the urgency ordinances regular  
12 ordinances on August 3, 2021.

13        8.      As a result, Urgency Ordinance 21-07 was replaced by Ordinance 21-13 and  
14      Urgency Ordinance 21-08 was replaced by Ordinance 21-14. Following the Court's Order, the  
15      Board of Supervisors enacted two resolutions modifying Ordinance No. 21-14. Through the  
16      resolutions, the trucking ordinance formerly 21-08 and currently 21-14 excludes potable water and  
17      is intended to be applied county-wide.

18 I declare under penalty of perjury in the State of California that the foregoing is true and  
19 correct. Executed this 18th day of February, 2022 at Yreka, California.

Ray A. Haupt  
Ray A. Haupt

## EXHIBIT A

**COUNTY OF SISKIYOU  
BOARD OF SUPERVISORS  
STATE OF CALIFORNIA**

**RESOLUTION PROCLAIMING A LOCAL EMERGENCY:  
PROLIFERATION OF ILLEGAL CANNABIS CULTIVATION**

**WHEREAS**, Ordinance No. 589 of the County of Siskiyou empowers the Director of Emergency Services to request that the Siskiyou County Board of Supervisors proclaim the existence, or threatened existence, of a Local Emergency when said County is affected, or likely to be affected, by the existence of conditions of a disaster or extreme peril to the safety of persons and property within the County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions that are likely to be beyond the control of services, personnel, equipment and facilities of the County; and

**WHEREAS**, The Siskiyou County Sheriff's Office (SCSO) and its partner agencies have experienced the unprecedented proliferation of illicit cannabis cultivation sites throughout the county, both on public and private lands, which, on private property number at least 2,000, overwhelming SCSO and partner agency resources; and

**WHEREAS**, During 2017 a combined SCSO and Siskiyou County District Attorney team (Siskiyou Interagency Marijuana Investigation Team – SIMIT) has served 61 search warrants on private property illicit marijuana cultivation sites, seizing 13,284 cannabis plants, 1,752 pounds of processed product, 20 firearms, and three (3) THC extraction ("Honey Oil") labs at numerous county locations; and

**WHEREAS**, During 2016, SIMIT served 113 search warrants, seizing 11,470 cannabis plants (worth \$240.8 million retail), 17,410 pounds of processed marijuana (\$121,870,000 retail value), 9 pounds of concentrated cannabis, confiscated 27 firearms, initiated 24 arrests (78 cases filed) and detected unsafe conditions; and

**WHEREAS**, Counter-drug operations on private and public property have identified nearly universal non-compliance with the county's ban on outdoor cultivation of cannabis and have uncovered hundreds of pervasive fire hazards, insecticides, pesticides, rodenticides, fertilizers, trash, and unsanitary conditions which severely impact health, safety and quality of life for countless county residents and led to three carbon monoxide deaths; and

**WHEREAS**, Siskiyou County is already overwhelmed with methamphetamine, heroin, prescription drugs, cocaine, and other illicit drugs, and a rising suicide and drug overdose rate, multiplying the impact the illicit cannabis drug trade exacts against our adults and children and the illegal customers in other states; and

**WHEREAS**, 2,000+ illicit cannabis cultivation sites in private property areas have established encampments where hundreds of people are living in unpermitted and illegally constructed dwellings without permitted sewage disposal systems or potable water supplies. Additionally, solid waste is not properly removed from the site and is either illegally burned on-site, accumulated on-site causing a vector attraction, buried on-site or left to blow into neighboring properties, all constitute maintenance of a public nuisance in violation of existing codes; and

**WHEREAS**, During the winter of 2016, there were three tragic carbon monoxide deaths resulting from the operation of improperly vented cooking and/or heating appliances in encampments; and

SISKIYOU COUNTY  
RESOLUTION

17-117

NO. \_\_\_\_\_

**WHEREAS**, The County Fire Warden has documented multiple fires starts that have been initiated in these encampments and at least two fires that have escaped and threatened life and property; and

**WHEREAS**, The emergency responders are not able locate 911 callers living in encampments to render emergency services further risking the life and safety of occupants; and

**WHEREAS**, Public land cannabis grow sites (mostly USFS), operated mostly by drug trafficking organizations in 2016 resulted in the seizure of 101,255 illicit plants, 2,850 pounds of processed product, and sadly led to detection of dangerous conditions and illicit chemicals like "Carbofuran," a severe threat to citizens and the environment; and

**WHEREAS**, An estimated 3,000,000 gallons of water is being expended daily by illicit cannabis producers, depleting precious groundwater and surface water resources and these losses jeopardize the lawful agricultural, recreational, private and environmental use of water for thousands of residents; and

**WHEREAS**, Site grading in excess of one acre, illegal timber conversion, illegal water diversions or unauthorized use of surface water without proper permits/authorization is occurring on a significant number of properties. The volume of properties and number of violations exceeds the capacity of local resources to effectively enforce provision to prevent further environmental damage and impacts to watercourses and fish populations; and

**NOW, THEREFORE, BE IT RESOLVED**, That the Siskiyou County Board of Supervisors declares a "Local State of Emergency" due to the catastrophic impact illicit cannabis cultivation sites have had on public health, safety, and quality of life issues in the county. SCSO, local and regional resources have been exhausted and the "State of Emergency" can only be mitigated with additional assistance from federal, state, and/or regional resources due to the organized crime, interstate characteristics, nature, magnitude, and multi-billion dollar funding mechanisms that supports cannabis crime networks in the county.

The foregoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Siskiyou, State of California, held on the 5th day of September, 2017 by the following vote:

AYES: Supervisors Criss, Haupt, Valenzuela, Nixon and Kobseff

NOES: None

ABSENT: None

ABSTAIN: None



Michael Kobseff, Chair  
Siskiyou County Board of Supervisors

ATTEST: Colleen Setzer, Clerk

By:   
Deputy